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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,962	09/04/2002	David John Ford	201-1431	7006

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EXAMINER

ARAQUE JR, GERARDO

ART UNIT PAPER NUMBER

3629

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,962

Applicant(s)

FORD ET AL.

Examiner

Gerardo Araque Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) 1, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/11/02 7/7/03 7/16/03 1/26/05</u>                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the examiner would appreciate it if the applicant would keep a drawing on one page as oppose to splitting them in half and putting them on 2 separate pages. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

3. **Claim 14** is objected to because of the following informalities: the term "**operably**" should be "**operable**". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1 – 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. **Claims 1, 11, and 14** recite the limitation "**the group**" in the **preamble of claims 1 and 11 and (i) of claim 14**. There is insufficient antecedent basis for this limitation in the claim.
7. **Claims 1 and 14** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: **advising** a customer on service needs and **scheduling** of a vehicle service appointment.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1 – 2, 6 – 15, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by **Himes (US 2003/0191660 A1)**.

10. In regards to **claim 1**, **Himes** discloses an online method for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the method comprising (**Page 4 ¶ 35**):

- receiving a service inquiry wherein the service inquiry is selected from the group comprising:
  - i. a service request, a scheduled maintenance request, and a recall request (**Page 2 ¶ 18 Lines 18, 22 wherein it would be inherent that a recall request would fall under recommended services**);
- receiving input information regarding the potential service of the vehicle (**Page 2 ¶ 19**) wherein
  - i. if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 2 ¶ 18**) or
  - ii. if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model

wherein the input information is used to determine whether service is  
advised for the vehicle (**Page 2 ¶ 22; Page 3 ¶ 24**); and

- transmitting the input information and an appointment request to a vehicle  
service provider to facilitate the scheduling of the vehicle service appointment  
(**Page 4 ¶ 35**).

11. In regards to **claim 2**, **Himes** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string (**Page 3 ¶ 32**).

12. In regards to **claim 6**, **Himes** discloses wherein the service inquiry is selected by the customer (**Page 2 ¶ 18**).

13. In regards to **claim 7**, **Himes** discloses receiving available appointment dates and arrival times from the vehicle service provider (**Page 1 ¶ 11; 2 ¶ 11**).

14. In regards to **claim 8**, **Himes** discloses wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information (**Page 2 ¶ 18, 20; Page 3 ¶ 24**).

15. In regards to **claim 9**, **Himes** discloses wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information (**Page 2 ¶ 22**).

16. In regards to **claim 10**, **Himes** discloses transmitting to the customer the input information to the customer prior to transmitting the input information and the appointment request (**Page 4 ¶ 35, 39, 40**).

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17. In regards to **claim 11**, **Himes** discloses an online vehicle service method comprising: receiving a service inquiry wherein the service inquiry is selected from the group comprising (**Page 4 ¶ 35**):

- a service request, a scheduled maintenance request, a recall request, and a vehicle status request (**Page 2 ¶ 18, 22, 23 wherein it would be inherent that a recall request would fall under recommended services**);
- receiving input information regarding the potential service of the vehicle (**Page 2 ¶ 19**) wherein
  - i. if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 2 ¶ 18**) or
  - ii. if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 2 ¶ 22; Page 3 ¶ 24**) or
  - iii. if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the vehicle status wherein the input information is used to determine the vehicle status (**Page 2 ¶ 22**); and

- transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment **(Page 4 ¶ 35).**

18. In regards to **claim 12**, Himes discloses wherein the service inquiry is the vehicle status request and further comprising receiving vehicle status information from the vehicle service provider **(Page 2 ¶ 23).**

19. In regards to **claim 13**, Himes discloses transmitting to the customer vehicle status information **(Page 2 ¶ 23; Page 4 ¶ 35).**

20. In regards to **claim 14**, Himes discloses an online system for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the system comprising **(Page 4 ¶ 35)**

- at least one server computer operably serving at least one client computer, the at least one server computer configured to **(Page 4 ¶ 35, 39):**

(i) receive a service inquiry wherein the service inquiry is selected from the group comprising: a service request, a scheduled maintenance request, and a recall request **(Page 2 ¶ 18 Lines 18, 22 wherein it would be inherent that a recall request would fall under recommended services);**

(ii) receive input information regarding the potential service of the vehicle **(Page 2 ¶ 19)** wherein



- (a) if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 2 ¶ 18**) or
- (b) if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 2 ¶ 22; Page 3 ¶ 24**); and
- (iii) transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 4 ¶ 35**).

21. In regards to **claim 15**, **Himes** discloses wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider (**Page 1 ¶ 11; 2 ¶ 11**).

22. In regards to **claim 18**, **Himes** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string (**Page 3 ¶ 32**).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. **Claims 3 – 5, 16 – 17, and 19 - 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himes (US 2003/0191660 A1)** in view of **Singer (US Patent 6,304,848 B1)** in further view of **Blasingame et al. (US 2002/0022975 A1)**.

25. In regard to **claims 3 and 19**, **Himes** is discussed above, but fails to disclose determining an at least two symptom probing questions based on the vehicle symptom string.

However, **Blasingame** discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical "key" questions regarding to the patient's condition (**Page 1 ¶ 10**).

Further still, **Singer** further defines that the use of symptom probing questions is old and well known. **Singer** discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions (**Column 3 Lines 7 – 21**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Himes** in view of the teachings of **Blasingame** and **Singer** to include a symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs.

26. In regard to **claims 4 and 20**, the combination of **Himes/Blasingame/Singer** is discussed above. **Himes** discloses the transmission of information to the customer (**Page 2 ¶ 18; Page 4 ¶ 35**).

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27. In regards to **claim 5**, the combination of Himes/Blasingame/Singer would transmit to the vehicle service provider the answers to the at least two symptom probing questions, as is discussed above.

28. In regards to **claims 16 and 17**, **Blasingame** discloses the use of XML is old and well known to transport information (**Page 3 ¶ 72**).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found on PTO-892 Notice of References Cited.

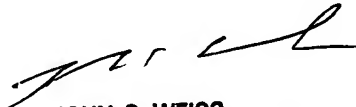
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA  
10/25/06



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